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EXAMINER

LEE, JAE W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1656

Applicants' amendment after final rejection, filed on 01/28/2009, is acknowledged. In the amendment, claims 55 and 56 have been newly added, which recite new method steps as follows: for claim 55, "3) confirming that the test substance does change the ability of the protein to bind to its receptor by demonstrating that sugar uptake is suppressed under insulin stimulation in skeletal muscle cells" and for claim 56, "3) confirming that the test substance does change the ability of the protein to bind to its receptor by demonstrating that glycogen synthesis is suppressed in skeletal muscle cells", which have never been examined on the merits. Therefore, Applicants' newly added Claims 55 and 56 would introduce new issues that would require further consideration and/or new search if entered because these limitations have yet to be presented for examination on the merits.

Previous rejections of record remain in light of the non-entry of the Applicants' proposed amendment.

/Rebecca E. Prouty/
Primary Examiner,
Art Unit 1652